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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 7 February 2008 from the Permanent Mission of Japan to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Japan to the United Nations presents its compliments to the President of the sixty-second session of the United Nations General Assembly and has the honour to inform him that the Government of Japan has decided to present its candidature to the membership of the Human Rights Council at the elections to be held during the sixty-second session of the General Assembly in May 2008 in New York. The Permanent Mission of Japan to the United Nations would be grateful if the candidacy of Japan could be included, with the attached annex, in the final document to be produced for the forthcoming elections and would also appreciate it if it could be circulated among the Member States.

Japan looks forward to continuing to play an active role in concert with other States in the Human Rights Council, which is responsible for promoting universal respect for the protection of human rights and fundamental freedoms. In this regard, the Government of Japan has the honour to submit herewith a written pledge of its commitment to the promotion and protection of human rights in accordance with General Assembly resolution 60/251 of 15 March 2006 (see annex).

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Annex to the note verbale dated 7 February 2008 from the Permanent Mission of Japan to the United Nations addressed to the President of the General Assembly

Japan's voluntary pledges and commitments in accordance with resolution 60/251

1 February 2008

1. Japan's basic policy on human rights

Japan adheres to the highest standards of human rights which are enshrined and guaranteed in its Constitution of 1947, which stipulates that "fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights." The Japanese Constitution further describes the desire of the Japanese people "to occupy an honoured place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth". Since the establishment of the Constitution, Japan has maintained and consolidated its democratic political system and has developed policies for the promotion and protection of human rights, fundamental freedoms and democracy in accordance with the Constitution. At the same time, Japan has pursued peace and prosperity in the international community.

Japan firmly believes that (a) human rights are universal; (b) all rights, including civil and political rights and economic, social and cultural rights are indivisible, interdependent and interrelated; (c) it is necessary to protect and promote those human rights equally.

Japan also holds the firm belief that human rights are the legitimate concern of the international community. In addressing specific situations, Japan fully recognizes the importance of an appropriate understanding of the history, culture, religion and traditions of each country in question. Based on this conviction, Japan has sought approaches tailored to each circumstance through dialogue, cooperation and assistance.

2. International commitments

(1) Japan has ratified the following international instruments for the protection and promotion of human rights and has made the utmost efforts to implement its obligations faithfully:

- International Covenant on Economic, Social and Cultural Rights (1979)
- International Covenant on Civil and Political Rights (1979)
- International Convention on the Elimination of All Forms of Racial Discrimination (1995)
- Convention on the Elimination of All Forms of Discrimination against Women (1985)
- Convention on the Rights of the Child (1994) and its two Optional Protocols (2004 and 2005)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1999)
- Geneva Conventions of 1949(1953) and their First and Second Additional Protocols of 1977 (2004)
- Convention relating to the Status of Refugees (1981) and its Optional Protocol (1982)

In 2007, Japan signed the following two international human rights conventions and is now working towards to ratify them;

- Convention on the Rights of Persons with Disabilities (2007)
- International Convention for the Protection of All Persons from Enforced Disappearance (2007)

(2) Japan served as a member of the Commission on Human Rights (CHR) since 1982 and was elected as one of the first member countries of the Human Rights Council (HRC) in

2006. Japan has contributed to the work of CHR and HRC in a constructive and positive manner by emphasizing the importance of dialogue, tolerance and mutual respect.
(3) Japan actively participated in the discussions on Institutional Building (IB) of the HRC since its establishment, in accordance with the policy that HRC should become a result-oriented institution by enhancing its effectiveness, constructiveness and responsiveness.
(4) Japan has cooperated fully with the Office of the High Commissioner for Human Rights (OHCHR). In November 2004 and January 2007, Japan invited the High Commissioner for Human Rights to Japan to have discussions on various issues relating to human rights with concerned authorities and members of civil society.
(5) Japan fully supports the special procedures and invited various Mandates Holders to conduct dialogues.

3. **Domestic human rights policy**
(1) Japan has consistently made efforts and implemented concrete measures to promote and protect all human rights and fundamental freedoms in Japan. Recent examples include:

(a)To protect the rights of the child, the Government has reviewed and introduced new laws such as the revised Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children (2004), the Law for Regulation of Acts Involving Children through the use of Internet Dating Services (2003), the revised Child Abuse Prevention Law (2007) and the revised Child Welfare Law (2007).

(b)In order to further promote gender equality, the Government has introduced the Basic Law for a Gender-equal Society (1999) and the Second Basic Plan for Gender Equality (2005) following the Beijing+10 review and has revised the Equal Employment Opportunity Law (2007).

(c)In order to combat human trafficking through the protection of victims and the strengthening of law enforcement, in 2004, the Government has set up an Inter-ministerial Liaison Committee (Task Force) and adopted a Comprehensive National Action Plan of measures to combat trafficking in persons. Japan has also promoted international cooperation as an indispensable endeavor in resolving this issue.

(d)Human Rights Organs of the Ministry of Justice in charge of the nation's human rights protection activities conduct investigations on human rights infringement cases and take appropriate relief measures such as an accusation or warning if human rights infringements are confirmed. They also conduct various human rights promotion activities to spread the philosophy of respect for human rights among the people and thereby improving public understanding. To strengthen the national human rights system, the Ministry of Justice has established human rights counseling offices with the cooperation of about 14,000 human rights volunteers throughout the country.

(e)The Act on Penal and Detention Facilities and the Treatment of Inmates and Detainees came into effect in June 2007. This act ① secures the transparency of administration of the facilities by establishment a Visiting Committee of a third party, ② clarifies inmates' and detainees' rights and obligations and the authority of the officers, ③ further improves correctional treatment for the rehabilitation of sentenced inmates, ④ guarantees the living standards for inmates and detainees, ⑤ guarantees contact with the outside world, and ⑥ provides complaints mechanisms.

(2) In Japan, the right of assembly and association is guaranteed by the Constitution and any nonprofit organization can operate without restriction. As an indicator, 33,389 Nonprofit

Organizations are registered under the Registration Law for Nonprofit Organization, for the purpose of obtaining corporate rights and tax concession measures.
(3) The Constitution also guarantees freedom of expression and thought and stipulates that no censorship shall be maintained, nor shall the secrecy of any means of communication be violated:

4. **International cooperation**

(1) Japan firmly believes that capacity building should constitute the main element in assisting efforts to improve the human rights situation. In its bilateral cooperation, Japan has assisted efforts to promote and protect human rights through projects to foster democratic governance, empower women and provide education, in close consultation with and based on request from the governments concerned. Japan has held regular bilateral dialogues and consultations on human rights with the governments of more than 10 countries for the purpose of fostering mutual understanding and implementing bilateral technical assistance to advance the protection and promotion of human rights.
(2) Japan has supported and cooperated with the Office of the High Commissioner for Human Rights (OHCHR) in building the capacities of national institutions and legal systems and also in developing human resources in the field of human rights. Japan also continues to contribute actively to the human rights related activities of other UN entities including UNIFEM and UNICEF and the United Nations Democracy Fund (UNDEF).
(3) Japan has made efforts to promote understanding and awareness of issues related to human rights through the organization of international conferences, symposia and seminars. The following are recent examples:

- The Second World Congress against Commercial Sexual Exploitation of Children in Yokohama (2001)
- Symposium on International Humanitarian Law (2005)
- International Symposium on Trafficking in Persons (2006)
- Tokyo Seminar on Customary International Humanitarian Law: New Development and Challenges (2007)
- Symposium on "New Developments in Japan's Foreign Policy for the Promotion of Human Rights and Democracy"(2007)
- Symposium on "Japan's Foreign Policy for the Promotion of Human Rights and Democracy: Challenges and Prospects"(2008)
- Seminar on Democracy Support by NGOs (2008)
- Asia Cup (international law moot court competition) (annually since 2003)

(4) Japan appointed in 2007 a Goodwill Ambassador for the Human Rights of People Affected by Leprosy, and is fully committed to make efforts to eradicate discrimination against Leprosy affected persons and their families worldwide. Japan is actively promoting an educational campaign to eliminate discrimination against Leprosy.
(5) Japan officially became a State Party of the Rome Statute of the International Criminal Court (ICC) in October 2007. Japan intends to proactively support the ICC activities further through providing financial and human resources. As part of this contribution, Ms. Fumiko Saiga, Japanese Ambassador in charge of Human Rights, was elected as an ICC judge in November the same year.

5. **Commitments and pledges**

(1) Japan would like to participate and work actively in the Council:

- by continuing to promote genuine dialogues and cooperation based on mutual understanding and respect;

- by addressing situations of violations of human rights, including gross and systematic violations;
- by actively participating in the Universal Periodic Review (UPR) as one of the first countries to have its national human rights situation reviewed by HRC and as a member of Troika rapporteurs;
- by actively engaging in discussion on the reform of the special mechanisms with a view to ensuring that they maintain the highest standards of impartiality, objectivity, independence and expertise in fulfillment of their mandates;
- by contributing to the establishment of working methods and practices that maximize the effectiveness of the Council and maintain the transparency of its work.

(2) Japan will continue bilateral dialogues on human rights and will continue to extend technical cooperation to assist in efforts to improve the situation of human rights worldwide.

(3) The Government of Japan will:

- make its utmost efforts to ratify as soon as possible the International Convention for the Protection of all Persons from Enforced Disappearances and the Convention on the Rights of Persons with Disabilities;
- continuously support OHCHR by providing an annual contribution to support its activities. Japan supports the UN policy of doubling the regular budget of OHCHR;
- support the promotion of a human rights based approach in development programmes of UN agencies.

(4) Japan will cooperate fully with the treaty bodies and actively participate in the discussion on the reform of the treaty bodies for a more effective monitoring system.

(5) Japan will work closely with civil society including non-governmental organizations in the promotion and implementation of human rights programmes.